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International Court of Justice

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Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 26 February 1946, 1000-1300, Lord Justice Lawrence presiding.

THE PRESIDENT: I wanted to explain the Tribunal's decision with reference to General Halder and General Warlimont.

Would Dr. Nelte kindly come to the Tribunal?

I wanted to ask you, Dr. Nelte, whether you were the only one of the defendants' counsel who wished to call General Halder and General Warlimont.

DR. NELTE (counsel for defendant Keitel): No. Besides myself, so far as I know, Dr. Laternser, Professor Kraus, and Professor Exner would like to call both Halder and Warlimont.

THE PRESIDENT: Very well, I understand.

The Tribunal's decision is this. The Tribunal ordered, when the Soviet prosecutor wished to put in the affidavits of these two generals, that if they were put in, the witnesses must be produced for cross examination. However, in view of the fact that defendants' counsel have asked to call there witnesses themselves, the Tribunal is willing that the defendants' counsel should decide whether they prefer that those two generals should be produced now, during the prosecutions' case, for cross examination, or should be called hereafter during the defendants' case for examination by the defendants, in which case, of course, they would be liable to cross examination on behalf of the prosecution.

But it must be clearly understood, in accordance with the order which the Tribunal made the other day -- either yesterday or the previous day, I forget which it was -- that these witnesses, like other witnesses, can only be called once, and when they are called, each of the defendant's counsel who wishes to put questions to them must do so at that time.

Well, if there were any difference of opinion among defendats' counsel, one defendant's counsel wishing to have the two generals produced now during the prosecution's case for cross examination, and other defendants' counsel

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wishing to have them called hereafter as witnesses on their behalf during the course of their case, then the Tribunal consider that in view of the order which they have already made, Generals Halder and Warlimont ought to be produced and called now. And the same rule would apply, then. They could only be called once, and any questions which the other defendants' counsel wish to be put to them should be put to them then. But the decision as to whether they should be called now or whether they should be called during the course of the defendants' case is accorded to defendants' counsel.

Is that clear?

DR. NELTE: Yes. I should like to request permission to give you our decision at the beginning of the afternoon session.

THE PRESIDENT: Yes. You can let us know at the beginning of the afternoon session what the decision of defendants' counsel is.

DR. NELTE: Thank you.

THE PRESIDENT: Yes, Colonel Smirnov.

COLONEL SMIRNOV: I am continuing the quotation of the political report of Professor Paul Thompson, which was already submitted yesterday evening to the Tribunal. It is on page 116 of the document book. These are only two short excerpts of this political report.

"Although here in the East only scientific tasks have been entrusted to me, I consider myself obliged to add to my business report a general political report. I must frankly and honestly declare that I return home with very painful impressions.

"In this hour when the fate of our people is being decided, any mistake can have terrible consequences. We can solve the Polish or Czech problems ourselves, as the biological forces of our people will suffice. Such small nationalities as Estonians or Lithuanians must either adapt themselves to us or perish.

"But the case is quite different as far as the great Russian expanses are concerned. These expanses are so important for us as a basis of raw materials."

I interrupt my quotation and continue at page 113 of the document book.

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"I cannot judge of the economic measures, such as the crossing of the free market at Kiev, which was accepted by the population as a very heavy blow, for I do not know the general situation, but the flogging and the insulting in the streets, the senseless destruction of scientific institutions etc., which are still taking place in Dniepropetrovsk must be stopped and the guilty must be punished.

"Kiev, 19 October 1942. Professor Dr. Paul Thompson."

The decree of the fascists concerning Germanization is already known to the Tribunal. It stated that not people but territories were Germanized.

I will quote to the Tribunal proof of similar crimes of the Hitlerites which they intended committing in Yugoslavia. This crime could not be carried out, as a result of the liberation movement which broke out in Yugoslavia. I quote a short excerpt from the statement of the Yugoslav Government, which is at page 69, the 7th paragraph, of the document book.

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"Immediately after the entry of the German troops into Slovenia, the Germans began to put into effect their long-standing plan for the forceful Germanization of the annexed parts of Slovenia. The leading Nazi circles were aware of the fact that a successful Germanization of Slovenia could not be carried out unless at least a greater part of the most nationally and socially conscious elements were previously removed from the country.

"Besides, it was often necessary to comb out the remaining popular masses and to destroy them economically so that their resistance to the German Nazi pressure of the German authorities should be the least possible.

"Part of the German plan forsaw the complete purging of the Slovenes in certain parts of Slovenia, and the transferring of the German population into these territories from other parts, as, for instance, from Bessarabia.

"A few days after the occupation of Slovenia was completed, centers for deportation were established, with their staffs, in Maribore and Bled. Simultaneously, on the 22nd of April, 1941, the decree for strengthening Germandon was published, with the aim to confiscate the property of all persons and institutions unfriendly to the Reich. Naturally, such were considered all those who, in accordance with the aforesaid plan, were to be deported from Slovenia.

"The Hitlerites undertook the practical realization of this plan. They arrested a large number of persons who were supposed to be deported to Serbia and Croatia. The treatment of the arrested persons was very cruel. The entire property of arrested persons was confiscated in the interests of the Reich. Numerous assembly points were organized which were turned, in fact, into concentration camps, in Maribore, Zelie, and other localities."

As regards the treatment of the arrested persons in these points, the statement of the Yugoslav Government reads as follows, and this is on page 69, the fourth paragraph, of the document book:

"Interned persons were left without food under the most unhygienic conditions and exposed to physical and spiritual torture of every kind at the hands of the camp's staff. The camp commanders, as well as the entire staff, were recruited from the SS detachment, which included a large

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proportion of Germans from Carinthia and Styria, filled with hatred for everything that was Slovene or Yugoslav.

"The members of the so-called Kulturbund, particularly, distinguished themselves for their cruelty."

In order to confirm this crime of the Hitlerites, I submit to the Tribunal, as USSR Exhibit 139, a letter of the German Military Commandateur in Smeredow to the Yugoslav Quisling, Commissar Stefanovitch, which contains an order to state the possibilities of transferring a large number of Slovenes to Serbia. This document is on page 119 of the document book.

In the Yugoslav Government report, on page 49 of the Russian text, which corresponds to page 69, the 7th paragraph, of the document book, it is stated that at first the Germans intended to transfer to Serbia 260,000 Slovenes. However, this plan met with a number of difficulties.

I quote one paragraph from the Yugoslav Government report:

"However, as it proved that the transfer of such a large number of Slovenes to Serbia was a very difficult task, negotiations shortly took place between German authorities and the Quisling Oustashi administration in Zagreb over the question of transporting the deported Slovenes across the incorporated territory and accommodating a certain number of these Slovenes in Croatia itself, as well as deporting the Serbs from Croatia."

I submit to the Tribunal, as USSR Exhibit 195, or YU 88, the minutes of a conference which took place on the 4th of June, 1941, at the German Mission in Zagreb. At this conference the Obergruppenfuehrer of the SA, Siegfried Kasche, German Ambassador in Zagreb, presided. These minutes were seized in the archives of the Refugee Commissariat of the Government of Milan Neditch. In the minutes one reads about the expulsion ofthe Slovenes from Germany to Croatia and Serbia, as well as of the Serbs from Croatia into Serbia.

The Tribunal will find this document on page 125 of the document book. This excerpt reads as follows:

"The discussions were approved by the Minister of Foreign Affairs of the Reich by telegram number 389, dated May 31. The Fuehrer's approval for the procedure of deportation was communicated here in a telegram number 344, dated May 21.

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"Thus, we can ascertain the immediate responsibility of the defendant von Ribbentrop for this crime against humanity.

Together with this, we can judge from the report of the Yugoslav Government that the transfer of a large number of Slovenes to Germany was carried out.

I quote one extract from the Yugoslav Government report, which the Tribunal will find on page 70, the last paragraph, of the document book:

"Shortly afterwards, deportation began. In the early hours of the morning German motor cars would arrive in certain villages and the soldiers and Gestapo men, armed with machine guns and rifles, would enter houses and order the inhabitants to take as much of their belongings as they could carry in their own hands, and to leave their homes immediately. Sometimes they were given only a few minutes to leave their homes and all their propert

"They were taken in Army trucks to the Trappist Monastery of Reichenberg from whence the transports were to leave. Each transport consisted of 600 to 1,200 persons to be taken to Germany.

"Thus, the Brezica District was completely depopulated and the District of Kirshko up to 90 percent; 56,000 inhabitants were deported from these two districts, and another 4,000 from the Parish of Zirkovziat, near Ktuja."

I skip one paragraph and continue:

"The deportees were forced to perform the most difficult kinds of work and to live under the worst possible conditions. For this reason the death rate reached enormous proportions. For every offense, even the most insignificant ones, severe penalties were applied."

I will not quote other excerpts from the Yugoslav report, which concern the same matter.

Without quoting this document, I beg the Tribunal to accept as evidence the supplementary official report of the Yugoslav Government, which I am now presenting under number 357.

Similar crimes were committed by the German criminals on the territory of occupied Poland. I quote a few short excerpts from the official report of the Polish Government. The Tribunal will find this excerpt on page 3, paragraph 3, of the document book. This part is entitled, "The Germanizatio of Poland."

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"A. Plan."

"A clear indication of the program to this effect is found in a letter distributed among members of the National Socialist Party in Germany in 1940. It contained the principles of the German policy in the East. Here are some quotations from this document:

"Militarily the Polish question is settled, but from the point of view of national policy it is now only beginning for Germany. The national political conflict between the Germans and Poles must be carried on to a degree never yet seen in history.

"The aim which confronts German policy in the field of the former Polish state is twofold: First, to see that a certain portion of this space is cleared of foreign population and filled with German population; and second, by imposing German leadership in order to guarantee that in that area no fresh conflagrations should ever break out againstGermany. It is clear that such an aim can never be achieved with, but only against, the Poles."

I interrupt this quotation and I continue it on page 15 of the Government report, which is on page 5 of the document book. This part is entitled "The Colonization of Poland by German Settlers."

The policy in this respect was clearly expressed by the official German authorities. The Ost Deutsche Beobachter of May 7, 1941, printed the following proclamation:

"For the first time in German history we can exploit our military victories politically. Never again will even a centimeter of the earth which we have conquered belong to a Pole."

This was the plan. The facts which were put into practice were the following:

"Locality after locality, village after village, towns and cities, were cleared of the Polish inhabitants in the incorporated territories. This began as early as October 1939, when the town of Orlova was cleared of all Poles who lived and worked there.

"Then came the Polish harbor of Gdynia. By February 1940 about 40,000 persons were expelled from the City of Posnan. Their place was taken by

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36,000 Germans, military families and families of German officials. The Polish population was expelled from the following towns: Gnesno, Helmno, Kostian, Neshiva, and many others.

"The German newspaper Grenzzeitung, the frontier paper, reported that by February 1940 the entire center of the City of Lodz was cleared of Poles and reserved for German settlers to come.

"By September 1940, the total number of Poles deported from Lodz was estimated at 150,000.

"But it was not only that the persons living in these places were ordered to leave. They were not allowed to take their property with them; everything was to be left behind. The places of these Poles who were deported from their homes, shops and estates were taken by the German newcomers. By January 1941, more than 250,000 Germans had been thus resettled."

I skip the next part of this quotation, and I beg the Tribunal to pay attention to the part entitled "Germanization of Polish children."

"Thousands of Polish children between the ages of 7 and 14 were ruthlessly taken away from their parents and families and carried off to Germany. The purpose of that most brutal measure was explained by the Germans themselves. The Koelnische Zeitung stated, in the issue for 1940:

"'They are to be taught German. They will also have the German spirit grafted into them, in order to bring them up as model German girls and boys.'"

In order to ascertain which methods were adopted for the execution of the cannibal plan for the destruction and dissemination of the Soviet people, peaceful citizens, I beg the Tribunal to call to this court the witness Grigoriev, a peasant of the village of Pavlov, Kusnezov village of the Porkhov District, the Pskov region, situated near Leningrad. As far As I know, he is now at the disposal of the Tribunal. I beg the Tribunal to allow the questioning of this witness.

THE PRESIDENT: Yes, certainly.

JACOB GRIGORIEV took the stand.

BY THE PRESIDENT:

Q What is your name?

A Jacon Grigoriev.

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Q Will you take this oath?

I, Jacob Grigoriev, citizen of the Union of Soviet Socialist Republics, summoned as witness in this trial, do promise and swear, in the presence of the Court, to tell the Court nothing but the truth about everything I know in regard to this case.

(The witness repeated the oath).

THE PRESIDENT: You may sit down.

BY COLONEL SMIRNOV:

Q Please tell us, witness, in which village did you live before the war?

A In the village of Kusnezov, Porkhov District, the Pskov Region.

Q In which village were you during the war?

A In the village of Kusnezov.

Q Does this village exist now?

A It does not exist now.

THE PRESIDENT: You must answer slowly, and after pausing, because the question has got to go through the interpreters and your answer has got to go through the interpreters. Do you understand?

THE WITNESS: I understand.

BY COLONEL SMIRNOV:

Q I beg you to answer again. Does this village in which you were at the outbreak of the war exist?

A It does not exist.

Q I beg you to describe what happened to this village and to its inhabitants.

A On the 28th of October, 1943, the German soldiers suddenly attacked our village and began to exterminate the peaceful citizens. They shot them, knocked them down in the houses.

On that day I was working in the fields with my two sons, Alexei and Nicholas. Suddenly a German soldier entered our house and told us --

THE PRESIDENT: When you see the light on that desk, or this one, it means that you are going too fast. Do you understand?

THE WITNESS: I understand, yes.

COLONEL SMIRNOV: Please speak slowly, witness. Continue, please.

THE PRESIDENT: You said you were working with your two sons in the field.

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THE WITNESS: Yes, my two sons.

BY COLONEL SMIRNOV:

Q Continue.

A The soldier took us into the village, to one of the houses at the edge of the village. There were 19 of us in that house. We were sitting in the house; I sat near the window. I am looking out of the window; German soldiers are driving a large crowd of people. I noticed my wife and my youngest son, nine years old. But when they were driven up to the house they were sent back again, where I do not know.

A little later three German machine gunners entered the room and forces armed with pistols, and we were ordered to go into another room. We were lined up against a wall, 19 of us, among them I and my two sons, and they began shooting at us with their machine guns. I stood near the wall, bending down a little. When they began shooting I fell on the floor, and, out of fright, I did not move. When they had shot everybody they went away and left the house.

I came to, looked around, and saw, not far from me, my son Nicholas lying there. He was shot and was lying face downwards. My second son -- I did not see whether my other son was alive or dead.

Then, a little while later, I began to t hink how I could escape. I stretched out my feet and tried to disentangle myself from another person who had fallen on me, and I began to think how I could escape. I began to shout that I would leave. My little son recognized my voice, my second son, who was still alive. My eldest son was dead. He shouted to me, "Papa, are you alive?"

Q And how was your second son wounded?

A He was wounded in the leg. I asked him, and he said "Yes, I am badly wounded." I tried to console him and tell him, "Don't be afraid, I won't leave you here, we will escape somehow. I will take you out of this house."

We waited a little. The house began to burn. I then opened the window and took up my wounded son and jumped out of the window. Then we began to crawl away from the house, trying to do it so that the Germans should not notice us. On our way we suddenly saw a large fence. We did not manage to drive this fence in, and while I was trying to climb over, German soldiers noticed us and they began to shoot at us. I then told my son to hide and

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that I would run away, as he could not run. He then crept into the bushes, which grew next to the fence, and I ran.

A little later I reached a building which was standing near the burning house. I sat there a little, and then decided to run away further. Thus, I reached the neighboring forest, which lay not far from our village, and spent the night there.

In the morning I met the peasant Alexeiev. That peasant told me that my son Alexei was still alive, and that he had managed to crawl away to the neighboring village.

And then, on the second day after this event, I met, from this neighboring village, Bolvitsa, who was a refugee from Leningrad who was living in our village during the occupation. He also managed to escape from the burning houses, and he told me what happened in the second house, where my wife and small boy were. The German soldiers, having driven the people into the village, did not go into the hut to shoot them; they simply fired at them from the doorway. Half the people were burnt alive. Among them was also my 9-year-old boy, Peter. As he ran out of this hut, my son Peter was still alive. He was sitting under a bench and hiding his face in his hands.

Q Please tell me, Witness, how old was the oldest inhabitant of the village?

A The oldest inhabitant was 108 years old. It was an old woman called Artemova.

Q Tell me, Witness, how old was the youngest inhabitant of your village, destroyed by the Germans?

A The youngest inhabitant was four months old.

Q Tell me, how many villagers were exterminated?

A Forty-seven persons, not counting those who escaped by a miracle.

Q Why were these inhabitants exterminated?

A One does not know.

Q And what do the Germans say? Did they say anything?

A When the German soldier came to our barn, we asked him why he was taking us away.

He said, "Do you know the village of Maxima?"

Marfina is the neighboring village.

I answered, "Yes, I know Maxima. Maxima kaput."

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And he answered, "And the inhabitants kaput, and you, too, kaput."

Q And why kaput?

A He says, "The partisans are in your village." But this was not true, because no partisans came to our village and none of our villagers were in partisan bands and nobody was there; only old people and little children remained in this village, and we did not know which partisans they meant.

Q Were there many men left in your village?

A There was only one 27 year-old man, but he was a paralytic and half-witted. The others were old people or children. All the other men were in the army.

Q Please tell us, Witness, did only the inhabitants of your village suffer this fate?

A No, not only our inhabitants. The German soldiers shot 43 persons in Polishna; in Shilova they shot or burned alive 47 persons; in the village where I am living now they burned 23 persons, and in many other villages they shot also about 300 persons--aged persons and children.

Q Please repeat how many persons were shot in your village, Soviet?

A About 400 persons in our village Soviet.

Q Who remained alive in your family?

A I and only my son remain alive. My wife, who was pregnant; my eldest son, Nicholas; and my youngest son, 9 year-old Peter, were killed. And then, also, the wife of the brother of my wife, with two children.

COLONEL SMIRNOV: I have no further questions to ask this witness, Mr. President.

THE PRESIDENT: Do any of the other prosecutors wish to ask the witness any questions? Do any of the Defendants' Counsel wish to ask the witness any questions? Then the witness may retire.

(The witness was excused.)

COLONEL SMIRNOV: Mr. President, I pass on to the next count of my statement, the discrimination of Soviet people.

The discrimination of the Soviet population was the usual method of the Hitlerite criminals. It was carried out systematically and everywhere.

In this part of my statement I will refer to documents of the criminals themselves, which only recently have been put at the disposal of the Soviet

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Prosecution. They were found by the Extraordinary State Commission in the POW Camp at Lamsov. I submit to the Tribunal as USSR Exhibit 115 a communication of the Extraordinary State Commission on the crimes committed by the German Government and the German High Command against Soviet prisoners of war in the camp of Lamsov.

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This report includes a number of original documents which were found in the archives of the camp. I will be able to submit several original documents to the Tribunal. The contents of these documents consist, in effect, that even in the terrible regime created in one of the camps, the criminals, true to the cannibalistic principles of their theories, carried out discrimination against Soviet citizens. I will quote a few excerpts from this report of the Extraordinary State Commission. This quotation is on page 123 of the document book, paragraph 4. It gives the general characteristics of this camp.

"Following the investigation carried out by the Extraordinary State Commission, the latter have ascertained that in Lamsov, in the district of the town of Oppeln, in the period between 1941 to May 1945, there existed a German station camp number 344. In 1940 and 1941 Polish prisoners of war were kept in this camp, and beginning with the end of 1941, Soviet, English and French prisoners of war were interned there."

I skip the next two sentences and continue this quotation.

"The prisoners of war were deprived of their outer clothes and shoes, and they had to go barefoot even in winter. During the existence of this camp, not less than 300,000 prisoners of war were there. Out of this number, 200,000 Soviet and 100,000 Polish, English, French and Belgian prisoners of war were interned there.

"One of the most current methods of extermination of the Soviet prisoners of war in the camp of Lamsov was the selling of the internees to various German industrial concerns, which mercilessly exploited them. As a contrast to the numerous German labor exchanges, where the plenipotentiaries of Sauckel sold Soviet citizens to German housewives, in the Lamsov camp there occurred the gross sale of prisoners of war, who were grouped in work commandos. There were in all 111 of such commandos."

I would like the Tribunal to understand these principles, which I will now try to prove. I do not wish to say that the regime

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created by the Germans as regards the British, French or other prisoners of war was either humane or soft, and that the Soviet prisoners of war were exterminated by the administration of the camp by various methods. Not at all. The camp in Lamsov actually followed the object of exterminating prisoners of war without discrimination as to nationality or citizenship. However, even in this extermination camp, in the terrible conditions created for the prisoners of war of all nationalities, the German Fascists, committing fiendish crimes against humanity and true to the principles of their vile theories, created especially intolerable conditions for the Soviet people.

I will submit to the Tribunal short excerpts of a series of documents which have been found among the archives of this camp, and which I will now submit in the original copies. All of these documents testify to the discrimination against Soviet prisoners of war which was carried out by the administration of the camp, following orders of the Reich Government and of the Supreme Command.

I submit to the Tribunal as USSR Exhibit 421 a memorandum concerning the utilization of labor of Soviet prisoners of war, which is addressed by the chief of the prisoner of war department of the 8th military district to the administration of industrial concerns. I beg the Tribunal to accept this document as evidence. I submit it in the original. I quote point 10 of this memorandum. This quotation is the last paragraph of page 150 of the document book.

"As far as the treatment of Russian prisoners of war is concerned, the following directives are to be put into effect.

"The Russian prisoners of war have passed through the school of Bolshevism. They must be looked upon as bolsheviks and must be treated as such. According to Soviet instructions, even when prisoners they must actively struggle against the state which has imprisoned them. Therefore, from the beginning, we must treat all Russian prisoners of war with merciless strictness, if we have only the slightest pretext for this.

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"The complete isolation of the prisoners of war from the civilian population whilst working or whilst resting must be respected. All civilian persons who endeavor to approach the Russian prisoners of war whilst working to try to talk to them, to hand money or food products to them, or similar objects, must be taken into custody, questioned and handed over to the police."

I quote the introduction to this memorandum. It is on page 147 of the document book.

"The General Staff Armed Forces issued an order regarding the utilization of labor of the Soviet prisoners of war, according to which the utilization of the Russian prisoners of war must be tolerated only on condition that the conditions should be far stricter than those which refer to prisoners of war of other nationalities."

Thus, the instructions to establish a very strict regime toward the Soviet prisoners of war only for the sole reason that they are Soviet peoples was not an arbitrary action of the administration of the Lamsov camp. They were dictated by the Supreme Command of the Armed Forces. While elaborating on this memorandum, the administration of the Lamsov camp only put into effect the direct instruction of the Supreme Command.

I quote two other items of this memorandum, which are rather characteristic. This is paragraph 4, which is on page 149 of the document book, last paragraph.

"As a contrast to the very strict conditions of security to be applied to the residential quarters, the living conditions of these quarters can be simplified to a minimum." I will try to show later what this meant.

Now, article 7, which is on page 150 of the document book:

"The food rations for working Russian prisoners of war differ from the Russians who are quartered to prisoners of war of other nationalities. Further notice will be given later regarding this question."

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Thus was the memorandum which was addressed to the industrial concerns which employed Russian prisoners of war.

I submit to the Tribunal as USSR Exhibit another memorandum, which was addressed to the guards of the Soviet prisoners of war. This document is present in its original copy, and I beg the Tribunal to add it to the record. I wish to quote a few short excerpts from this memorandum. I will first read that part of the document, which informs us as to the sources. On the first page of the document it is stated that it is an appendix to "A Directive of the Supreme Command of the Armed Forces," with the number and date. I now read the introduction of this memorandum, which is on page 152 of the document book.

"For the first time in this war, the German soldier has to do with an adversary who is not only instructed in a military sense, but also in a political sense, whose ideal is communism and who sees in National Socialism its worst enemy."

I skip the next sentence and continue.

"Even when he is a prisoner, the soldier, however inoffensive he may appear, will exploit every possibility to show his hatred to everything that is German. We must envisage or consider that the prisoners of war have received corresponding instruction as to their behavior while prisoners."

My colleague, Colonel Pokrovsky, has already denounced the absurdity of these so-called "special instructions." Therefore I will not dwell on this sentence. I continue.

"Therefore, it is absolutely necessary to show maximum wariness and greatest prudence as regards these prisoners. The following directives have been issued to the guards. First, the

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adoption of terroristic measures at the first appearance of the smallest symptoms of resistance or disobedience. In order to suppress resistance, one must revert to arms. All prisoners of war who attempt to escape must be fired upon without hailing." And in brackets it is stated: "Without hailingwith a view to hitting them."

I skip now the next two paragraphs and read the second part of Article 3 of this memorandum. It is on page 153 of the document book, second paragraph. I quote only three lines:

"As to the assiduous and obedient prisoners of war, all displays of softness are outof place, for they will be considered as a demonstration of weakness and the prisoners will draw the corresponding conclusions out of this attitude."

I will now read Article 5 of the memorandum, which is on page 153, last paragraph of the document book:

"The apparent inoffensiveness of the bolshevik prisoners of war must never lead to abandonment of the aforementioned instructions."

I have already quoted Article 4 of the memorandum, regarding the utilization of the Soviet prisoners of war for labor by industry. It stated that the conditions, living conditions, of these prisoners could be simplified to the minimum. The Tribunal will see what this meant when I submit a report of the chief for supplies and equipment of the army, dated 17 October 1941, and which was distributed by the deputy of the chief of supplies and equipment of the army. It is USSR Exhibit 422, and is an original document, and I beg the Tribunal to add this to the record. It was issued in Berlin and is dated 17 October 1941. I quote only one excerpt of this document. It is on page 154 of the document book.

"Subject: Billeting of Soviet Prisoners of War.

"At the conference held on the 19th of September, 1941, at the office of the chief of supplies and equipment of the army, it was decided that by constructing several bunks, one over the other, in the barracks which were designated for 150 prisoners of war, one could billet 840 persons, following the draft of the barracks for the Soviet prisoners of war."

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I will not quote the remaining part of this document. I consider that this quotation is sufficiently significant.

I beg the Tribunal to accept as evidence two further documents, which are also presented in the original copy, which prove that the extermination of Soviet prisoners of war for political reasons was systematically carried out in the camps. I will first submit, as USSR Exhibit 32, this document, presented in the original copy, and I beg the Tribunal to add it to the record.

THE PRESIDENT: The Tribunal will adjourn now.

(A recess was taken).

COLONEL SMIRNOV: I cite the document already submitted to the Court. The place which I asked the Court's permission to read is on page 153, Point 4 of the order:

"The matter of the Shooting of the Prisoners of War. Judicial Investigator.

"Every case of shooting or serious wounding of a prisoner of war should be reported if it concerns English, French, Belgium or American prisoners of war. In these cases, one should also act in accordance with instructions of the High Command."

This order was dated 2 August 1943. On 5 November 1943 therewas another order changing this directive with regard to the Soviet prisoners of war. I request that the Tribunal accept as evidence the document submitted as No. 433 with regard to Camp No. 86. From this document I shall cite just one paragraph, Paragraph 12:

"The shooting of prisiners of war. Judicial Investigator.

"With regard to the shooting of Soviet prisoners of war and other unfortunate accidents that take place with regard to them, it is not necessary to report by telephone to the Chief of the Section of Prisoner of War Affairs, as this is an unusual occurrence."

In certain cases, the High Command agreed to pay a certain minimum sum for the work of the prisoners of war, but even here the Soviet prisoners of war were placed in conditions much worse than the prisoners of war of other nations. To confirm this, I request that the Tribunal accept as evidence the directive of the High Command of Germany dated 1 March 1944.

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The document shall be submitted as USSR 427. I request that the Tribunal attach it to the materials of the Trial as evidence. From this document I shall cite only two sentences. These sentences the members of the Tribunal will find on page 172 of the document book:

"The prisoners of war who work all day will receive for the full working day the basic salary -- but not the Soviet prisoners of war, 0.70 RM. The Soviet prisoners of war will receive 0.35 RM."

The second sentence is at the end of the document on page 275, the last paragraph:

"The minimum daily wages will consist of 0.20 RM for the non-Soviet prisoners, 0.10 RM for the Soviet prisoners of war."

If the other prisoners of war received from the Germans the right to take a few breaths of fresh air, the Soviet people were deprived even of that. I request that the Tribunal accept as USSR 424 the order concerning Camp No. 44. From this directive, I ask permission to quote one sentence from Paragraph 7, entitled, "The Prisoners of War." It begins like this:

"On those special occasions, when prisoners of war, as a result of their living quarters being at the same place as their work, and if in those cases they have no opportunity ever to be in the fresh air, in that case the prisoners of war should be allowed to be taken out into the fresh air from time to time."

I further request the Tribunal to accept as evidence the order concerning Camp No. 46. This document is submitted as USSR 425. I remind the Tribunal that the directive, the preceding order, concerning fresh air for the prisoners of war was No. 7. I am citing one sentence from the ten points of Order No. 46, which is entitled "Fresh Air", or "Walks in the Fresh Air forPrisoners of War."

"The basis of this section is the order of the Chief of the Section of Prisoner of War Affairs, dated 2 June 1942. The supplement of Point 7 of the order concerning Camp No. 44, dating from 1943, explains that the order does not concern Soviet prisoners of war."

I further request the Tribunal to accept as evidence the original of the report of the Labor Administrator concerning prisoners of war and

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their utilization for labor. I quote two sentences: The place where I have asked permission to quote is on page 160 of the document folder, beginning:

"It is necessary to replace 104 English prisoners of war in the work brigade by 150 Soviet prisoners of war. The change is necessary by reason of the demands of the plan. Filling the work brigade with English prisoners of war and increasing the number of the brigade becomes impossible. After checking the inmates of the camp in the last few months, it was established that the quota provided for the camp was only sufficient for 104 British prisoners of war. Therefore, there is not enough room for 160. However, the same living quarters could accomodate 160 Soviet prisoners of war."

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I request the permission of the Tribunal to quote one more document; specifically, Section No. 8 with regard to this camp, dated 7 May 1942. It is entitled "The Utilization for Labor of Soviet Prisoners of War." I submit this document in the original as No. USSR 426, and I ask that it be attacked to the material of the trial as evidence. I am quoting one sentence, containing the confession on the part of the Germans themselves:

"Practically all Soviet prisoners of war, without exception, in fact, all, are in a state of exhaustion. This does not allow their utilization at the present time for normal work."

The headquarters of the High Command was concerned with two questions: First, supplying Soviet prisoners of war with blankets, and second, with the question of the burial of those who died as a result of the pitiless regime of the concentration camp.

Both of these questions found solutions in the same document. I submit this document to the Tribunal as USSR 429, and I request that the Tribunal attach this to the material of the trial as evidence. The Tribunal can find it on page 162 of the document book. This is a directive of the 8th Military District, dated 28 October 1942. I quote the text:

"In accordance with the decision of the conference which took place at the headquarters, the following directive is issued:

"First, Soviet prisoners of war will receive cotton blankets, which they themselves should make into comforters by filling them with cotton and paper scraps or similar material. The cloth will be supplied by Headquarters."

The second section, which follows, is entitled, "The Burial of Soviet Prisoners of War: The Soviet prisoners of war should be buried naked, wrapped in paper and without coffins. The coffins should be used only for transporting the bodies. In the work brigades, the burial will be done by the local authorities. The expenses of the burial will be paid by the concentration camp for prisoners of war. The undressing of the prisoners of war will be done by the guards. /Signed/ Grosseketler."

But not only the administration of the military unit was concerned with the burial of the Soviet prisoners of war; the Ministry of the Interor was also concerned with this. It sent to the camp for prisoners of war an urgent letter which had a special sentence stating it must not be published. I request

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the Tribunal to accept this as evidence as USSR No. 430. The members of the Tribunal can find it on page 276 of the document folder. I quote simply a few sentence from this rather voluminous document --five sentences, to be exact. They begin like this:

"Pursuing the aims of economy, the military establishment should be asked to provide automobiles to transport the corpses. For transporting and for the burial, coffins are not necessary. The bodies should be wrapped in paper, preferably covered in oil or asphalt, or they could be wrapped in something similar to paper. The transportation and the burial should be done unnoticeably, quietelym and when many corpses come in at the same time, the burial should take place in a common grave. The corpses should be laid at the usual depth, but side by side, not one over the other. As a site for the burial, a distant part of the cemetery should be chosen. Decoration of the graves or burial services should not be allowed."

I shall omit the following sentence.

"The minimum must be spent for burial."

Even in the special organs of German Fascism created for exterminating people, the criminals still used discrimination of a political or racial nature. Actually, the discrimination could mean just one thing. It meant that one part of the prisoners of war reached the finale, which is death, quicker then other sections of the prisoners of war, but even here, the Nazis tried to make death more unpleasant for those whom the Nazis' theories considered undesirable politically or racially or who they thought could offer some resistance were they alive.

I request the Tribunal's permission to read into the record one paragraph from an already submitted document, USSR 415. It is a report of the Extraordinary State Commission on the crimes in the camp at Lamsdorf. This citation will show the extent of the crimes and will conclude the resentation of evidence with regard to this camp. The members of the Tribunal will find this on page 146 of the document book, Paragraph 6;

"According to the conclusions of the Special Commission with regard to the Lamsdorf camp, the Germans caused the death of more than 100,000 Soviet prisoners of war. Most of these died in the mines, in the various economic enterprises, or during transportation to the camp. Some were killed in the

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dugouts, some during evacuation of the camp. Forty thousand prisoners of war died in the camp at Lamsdorf itself."

Mr. President, the Soviet Prosecution requests permission to present one more witness, whose evidence is particularly important in establishing that htere was a special regime with regard to Soviet prisoners of war in the camp. The Soviet Prosecution requests your permission to question this witness.

THE PRESIDENT: Yes, Colonel Smirnov.

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(DR. EUGENE ALEXANDROVICH VLACHA took the stand)

BY THE PRESIDENT:

Q What is your name?

A Vlacha, Eugene Alexandrovich.

Q Will you repeat this oath after me?

I, and then state your name, a citizen of the Union of Soviet Socialist Republics, summoned as witness in this trial, do promise and swear, in the presence of the Court, to tell the Court nothing but the truth about everything I know in regard to this case.

(The witness repeated the oath).

THE PRESIDENT: You may sit down, if you wish.

BY THE PRESIDENT:

Q Will you spell your surname?

A It is V-L-A-C-H-A.

BY COLONEL SMIRNOV:

Q What was your position in the Red Army at the time of the Hitlerite attack on the Soviet Union?

A At that time I was Junior Physician in the 305th Regiment of the 44th Infantry Division.

Q Did your regiment take part in the battle against the Germans?

A Yes, our regiment and our unit took part in the battle against the Germans from the very first day of war.

Q When were you captured and under what circumstances?

A I was captured by the Germans on the 9th of August 1941, in the district of the City of Uman of the Petrograd region. I was captured at the moment when our unit and two Russian armies, of which our unit was a part, after many battles, were surrounded by the Germans.

Q What do you know about the treatment which the Germans applied to those Red Army men who were captured by the Germans; what was their position, their situation and condition?

A I know only too well all the forms of the barbarous mockery and torture which the German army and the German authorities applied to the Soviet prisoners of war. The facts are known to me because, for a long time, I myself was a prisoner of war. On the very first day of my capture, I was transported together with a large group of other prisoners of war,

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to one of the transient camps. Enroute, talking to the other prisoners of war, along side of whom I marched, I learned that the greater part of the prisoners of war were taken prisoners three or four days ahead of the time when I was taken prisoner, together with a small group of other persons in my unit.

In all these three or four days of capture, these persons who had been captured three or four days ago, were under strict and careful guard of the Germans and all these days they were completely deprived of food or water. Subsequently, while we were passing through villages, the prisoners of war, when they saw wells of water or water in any shape, when they licked their tongues when seeing the water and made motions towards the water, the Germand did not let them have any water. During the same day, late in the evening, our while column consisting of about five thousand persons, was quartered in the cattle yard, where we had no way of resting from our journey, and all night long we had to stand in the open sky, and that went on the second day and the next and the next. As before, we had no food and we had no water.

Q Were there no occasions when the prisoners of war, passing water wells, tried to get at the water?

A Yes, I remember a few cases of that kind. I shall specifically narrate an incident of the kind on the first day of our journey. It occurred like this: We were passing in the suburbs of a little village. The civilian population saw us. They tried to give us water and to give us bread; however, the Germans wouldn't let us get near them; neither would they let the rest of the population come anywhere near us. One of the prisoners lead the column to a distance of five or six meters and without any warning he was shot by a German soldier. Some of his comrades went to his side, hoping he was still alive, but they too were immediately shot at without any warning. Some of them were wounded and two of them were dead, were shot on the spot.

Q Was that the only incident which you witnessed, or, during your journey from one place to another, did you witness any other incidents of the kind?

A No, this was not the only incident of the kind. Almost every journey from one camp to another saw the same type of incidents, the same

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type of shootings.

Q Did they shoot only the prisoners of war or did they apply any severe measures to the citizens who tried to give bread and water to the prisoners of war?

A Severe measures were not only taken against the prisoners of war, they were also applied to those who tried to help them. I remember how, on one of the journeys, a group of women and children saw us. They tried to give us water and food just like all others who saw us, but the Germans would not allow them to come anywhere near us. Once a woman and a little girl, about five years old, came to us, evidently her daughter. The little girl came pretty close to us -- it occurred to me -- and when she was five or six steps away from us she was shot on the spot by German soldiers.

Q Perhaps the prisoners of war did not need the food which the population tried to get to them; perhaps they got enough nourishment from the Germans?

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A The prisoners of war, on their journeys, experienced and felt a grea lack of food. They were not supplied with any food or water enroute.

Q Does that seem that but what the population tried to give you was the only food the prisoners of war received enroute?

A Yes, that is right.

Q And does that mean that the Germans shot whoever tried to give you food?

A Correct.

Q In what camps of prisoners of war have you every been yourself? Nam them.

A First, there was an open air camp in the region of a small town of Tarnovka. Second, there was a camp on the territory of the brick plant in th suburbs of the City of Uman. Third, there was a camp in the vicinity of the City of Ivangorod. The fourth camp was in the territory of some military unit in the City of Gaisin. The fifth camp in the region of the military settlement called Vinniza. The sixth camp in the vicinity of the City of Jmerinka; and the last camp, where I spent most of my time, was in the village of Rakovo, not far from the City of Proskurov, in the Tarnovka regio

Q Then you personally had a chance to observe the administrative orde which existed in a number of camps?

A Yes, I know the regimes quite well.

Q Are you a physician?

A Yes, I am a physician.

Q Tell the Tribunal what were the circumstances of rendering medical aid to those prisoners of war who were in these camps?

A When I was brought to the City of Tarnovka, I was taken out of the general group of prisoners of war and together with other physicians of the Russian army, I was taken, or rather separated from the other prisoners of war and sent to work, to the so-called hospital. This hospital was situated in a barn. The floor was made of earth. There was no equipment for the wounded, and on the floor there lay a large number of wounded Soviet prison of war, who were there twelve days prior to my arrival. During all that time they received no medical help, although many of them needed surgical aid,

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needed bandages, a whole lot of them needed some very special and even ordinary treatment, none of which they received. They were systematically deprived of water; they were fed unsystematically, at least when I arrived in the camp. There was no evidence that food was ever prepared for these wounded. In the camp where I arrived, the second day there were from 15,000 to 20,000 wounded prisoners of war. Most of those could not move of their own accord but they lay in the open air. Food was given to them in the same manner as these other prisoners of war. They had not received any medical aid up to that time. They were lying on the ground and their bandages were soaked with blood and pus. There was no special equipment or special aid of any kind in Uman camp, though the wounded and the sick were housed in one of the barns which had a wo den fl or. There was no special eqüipment or special aid of any kind in Uman camp, though the wounded and the sick were housed in one of the barns which had a wooden floor. There was no special equipment to keep them clean, to wash them, or to feed them. As in all other camps, they gave them no care whatever, not even the minimum medical care, no bandages, no instruments, no surgical aid.

Q You mentioned the Uman camp. Look at this photograph and tell me, is it a photograph of one of the camps that you were an inmate of?

A I see here the camp which was on the grounds of the brick plant of the City of Tarnovka. I know it very well.

COLONEL SMIRNOV: I must report to the Tribunal that I have here submitted as evidence, the photograph of the Uman camp. I submit it as USSR No. 345. It shows the camp with regard to which the witness Bingel already testified.

BY COLONEL SMIRNOV:

Q You recognize the Uman camp in the vicinity of the brick plant in this photograph?

A Yes, this is a part of the camp.

Q What was the regime of the Uman camp? Tell us just the main points and, please, very briefly.

A Subsequently, all the inmates of the camp were kept in the open air. The food was very poor and there was very littleof it. In the Uman camp, where I spent eight days, twice a day, on open fires, pea soup which was very polluted, was cooked. There was no special routine for feeding the prisoners

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of war. The soup thus cooked was fed to the whole mass of people in the most uncontrolled manner. The prisoners all rushed to the soup, each trying to get even a little bit of that soup which was the only food or practically so. Then there was disorder, crowding, while the German guards, all armed with clubs as well as automatic and sub-machine guns, would casually and wantonly strike any prisoner of war who came within the distance of that club, and then they would laugh and throw insults at the hungry people who rushed to the little bit of food there was.

Q Tell me, witness; in the camp situated near Rakovo, was the food better or was it the same as in other camps; and how was the food situation with respect to the health of the prisoners of war?

A In the Rakovo camp the food very much differed from that of the other camps, which I previously witnessed or rather was an inmate of, in just this way. It consisted of cabbage, potatoes and turnips, which were usually served semi-cooked. From this poor quality of food, the prisoners of war developed stomach trouble of the most violent kind which was accompanied by bloody diarrhoea and exhausted the people very quickly, and caused practically mass mortality.

Q You talked about the guards often practicing beatings at any provocation or without provocation. What character of injuries did the prisoners

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of war receive as a result of these beatings? Were they serious or were the injuries minor?

A In the Rakovo camp I was in the hospital and I worked there in the surgical section. Frequently, after dinner or supper, there were brought to the hospital persons with the most serious physical injuries. I frequently had to give first aid to persons injured during the crowding that occurred during meal hours; in fact, some of the injuries were so serious that men died. I remember when two prisoners of war were beaten by some hard object on the head which broke the skull in such a way that the brain oozed out. I remember another incident too well, when one of the prisoners lost an eye after one of the beatings, after which he suffered an inflammation of the brain.

Q How great was the mortality in the Rakovo camp among the prisoners of war?

A The history of the Rakovo camp can be broken into two periods; first, the two years preceding November 1941, when there was still a very small number of prisoners of war in camps; and the second period, from November 1941 up to March 1942, during this period I myself was in the camps. This period is noted for particularly large number of prisoners of war and a very great mortality. There were from 700 to 950 cases of death daily.

Q What disciplinary measures were taken in the camp; what were the punishments imposed and for what violations of the rules? Do you know?

A Yes, I do know. There was a solitary cell in the camp for the violators of the rules, for the violators of the rules of the terrible regime which was created there. The violations usually consisted of stealing food somewhere in the kitchen or something like that. The prisoner was then placed into the solitary cell on the ground floor, and the windows had no panes but iron bars. The prisoner was undressed. He was deprived of food and water and for fourteen days he was there alone. I do not know of a single occasion where any prisoner survived solitary confinement.

Q Evidently the conditions which you have described resulted in a large number of persons suffering from exhaustion.

A Yes.

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Q Did the increased number of persons suffering from exhaustion result in the decreased number of persons capable to work? What was done to those prisoners who could not work?

A The great number of prisoners were kept in the stables not at all adapted for human living. At first all the persons were utilized for work. Some of this work was entirely aimless, I can say definitely, because the work consisted of destroying or demolishing private residences or clearing debri from camp grounds.

Subsequent to the great increase in the stomach ailments, fewer and fewer people began to report for work. Many persons lost their capacity to control their movements and could not even leave the barracks or rather the stables where they were housed to receive food. When there were a great many such persons in the stables, that is, persons who could not work , they established what was called quarantine. Then all the exits and entrances were sealed. Then the persons, those incapacitated, were completely isolated from the rest of the camp, and they were kept like that in complete confinement for four or five days, after which the stables were opened again, and always corpses were taken out of there.

Q For what medical or canitary work were you and the other physicians used in the camp?

A We were not used for any similar work in camp. The only thing they did medically was to divide those who could work from

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those who could not, but we were not allowed to give any medical aid.

Q Did you duty or functions change from camp to camp? Was there any camp where you were asked to render medical aid?

A In the camp in the city of Uman we were told, we, the physicians, that the physicians among the prisoners of war should be on duty in the vicinity of the public toilet. That meant nothing else than to dig the ditch used for the purpose. We had to clean the toilets too, of course, we, the physicians. That was considered sanitary aid.

Q Did you consider this really a medical or sanitary function, or did you consider it straight mockery on the part of the Germans?

A I considered it straight mockery on the part of the Germans.

COLONEL SMIRNOV: Mr. Chairman, I have no more questions to ask this witness.

THE PRESIDENT: Do the Prosecutors have any questions to ask?

COLONEL SMIRNOV: No, sir.

THE PRESIDENT: Do any of the defendants' counsel wish to ask any questions?

BY DR. LATERNSER:

Q Witness, you have said that in August 1941 --

THE PRESIDENT: Please give your name and for whom you appear.

DR. LATERNSER: Dr. Laternser, defendants' counsel of the General Staff of the OKW.

BY DR. LATERNSER:

Q Witness, you have just said that in August 1941 you were captured in the district of Uman. Do you know whether at that time from the side of the Germans many prisoners were taken?

A There were about 100,000 prisoners of war capturedthere.

Q Do you know anything about the fact whether at that time German troops had advanced very fast in Russian territory?

A I cannot say about this. The German armies moved very fast, but before our units were surrounded we fought and we retreated, fighting, during the period which began the war up to the 9th of August.

Q How large was the number of prisoners in the column in which you marched?

A 4,000 to 5,000 persons.

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Q When did you get the first food from the German troops?

A I first received food in the City of Uman.

Q How much time passed since you were captured until that time when you were first fed?

A I don't understand the question.

Q When you got the first food, how long had you been captured untilthat time?

A I had been captured for about four or five days by that time.

Q You were a doctor in the Soviet Army, and, therefore, you certainly know something about the fact that the feeding of troops is not a simple thing.

A I couldn't have given that impression in my testimony, particularly since the Germans had allthe facilities for supplying the prisoners of war with food. It was the civilian population that tried to give the Soviet prisoners of war whatever food there was, not the German authorities, and not the German Military Command. Incidentally, they gave no permission to feed us. They not only didn't give us food and prevented anybody else from giving us food, they shot anybody who tried to give us food among the civilian residents of any district.

Q But you can imagine that, as you have said just now, it would have made great difficulty if in a certain area, the area of Uman, 100,000 prisoners had been taken.

A In the region of Uman not all the prisoners of war were concentrated in the same spot. There were several concentration camps, although in Uman there were more prisoners of war than elsewhere.

Q I have not spoken about the feeding in the Camp of Uman. We were talking about the feeding during the first days after having been captured.

A I was not separated in any way from the other prisoners of war. I was fed and supplied in exactly the same way as all the others. I ate in the common mess and was housed together with the others. The German Command did not give us physicians any special treatment.

Q But you will have to admit that there were certain

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difficulties concerning feeding if all of a sudden a column, like yours, of 5000 men is captured and has to be fed by advancing troops.

A I want to remind you once more that if the German Command had difficulties in feeding us, they could have allowed the prisoners of war to receive the products which the civilian population among the Soviet citizens was willing to give it.

Q I will talk about that later. You say that you were in a column of 5000 prisoners. Could you tell me how strong the guards were for this column of 5000 men?

A I cannot give you the exact figures, but there were very many Germans. I cannot give you exact figures; not now.

Q All right. I understand that you cannot give me this answer in correct figures, but would you describe to the Court just how the distance was between individual guards which were marching alongside the column on either side?

A There were about two or three soldiers moved behind each group, five or six steps behind. That is how the distance was covered.

Q Well, then, there were five or six meters on both sides or on one side, German troops marching, and also two or three individually, if I understood you correctly.

A Five or six meters.

Q Were those older troops, older people, or young soldiers?

A Those were soldiers of the German Army. They were of all ages.

Q Before the column started to march, was anything told to the Russian prisoners that they would be shot in case they broke out of the column?

A I already told you, and I shall repeat once more, there were no warnings of any kind.

Q Not even before the column started to march?

A No.

THE PRESIDENT: Perhaps we should break off now.

(A recess was taken until 14.00 hours.)

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Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Republics, against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on February 26, 1946, 1400-1700, Lord Justice Lawrence presiding.

THE PRESIDENT: The Tribunal has made its decision upon the witness and documents to be called and produced on behalf of the first four defendants and that decision will be communicated as soon as possible this afternoon to counsel for those defendants and will also be posted in the Defendants' Information Center.

Secondly, an application was made sometime ago by the Chief Prosecutor for France with reference to the calling of two additional witnesses. The Tribunal would wish that if it is desired to call any witnesses after closing the case of behalf of any of the chief prosecutors, that a written application should be made to the Tribunal for the calling of such witnesses and the Tribunal also desires me to draw the attention of Counsel for the Prosecution and Counsel for the Defense to the terms of Article 24, Subsection (e), which refers to rebutting evidence. In the event of Counsel for the Prosecution or Counsel for the Defense wish to cal rebutting evidence, when the proper time comes after the case for the Prosecution and the Defense has been closed, such application to call rebutting evidence must be made to the Tribunal in writing.

SIR DAVID MAXWELL-FYFE: My Lord, I wonder if the Tribunal would allow me to say something on a matter on which I promised to get information yesterday?

Your Lordship will remember that Dr. Horn asked for a withdrawn edition of the "Daily Telegraph" of the 31st of August, 1939, and I promised the Tribunal I would make inquiries. I have had a telegram from the "Daily Telegraph", which I received this morning and it says:

"No edition of the "Daily Telegraph" withdrawn on 31 August, 1939 or any other day thereabouts. The "Telegraph" of the 31st gave a brief paragraph saying 'Meeting Henderson-Ribbentrop had taken place' but without details.

"On 1st September carried summary of German sixteen points for Poland as broadcast by the German radio. Actual text of the note did not appear until September 2, when extracted from the Foreign Office White Paper of all relevant documents."

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I thought it was only right that I had promised to get the information that I should put it before the Tribunal and I propose to send a copy of that to Dr. Horn.

THE PRESIDENT: Thank you, Sir David. I think that may necessitate a slight variation in the order which the Tribunal was proposing to make.

DR. NELTE (Counsel for defendant Keitel): Regarding the question of Generals Halder and Warlimont, Mr. President, permit me to request that you answer a question for me, namely, whether the Court has already decided that Halder and Warlimont, whom I have already named as witnesses, and whose relevancy has been admitted by the Prosecution, will be approved as witnesses for Keitel so that we can count with certainty on their appearing in Court.

THE PRESIDENT: Yes, certainly. What I meant to state this morning was that the Defense Counsel should decide whether they wanted to cross-examine them now or call them as witnesses on behalf of one of another of the defendants and therefore, that was a decision that the Defense Counsel would be able to call them on behalf of one of the defendants if they determined to do so. Therefore, they can be called for Keitel, unless of course they are called before. If the defendant Goering wanted to call them then they would have to be examined on behalf of Keitel when they were called for Goering because of the fundamental rule that a witness is only to be called once.

DR. NELTE: Defense Counsel, so far as Generals Halder and Warlimont are concerned, is satisfied if these generals are called during the course of the Defense case.

THE PRESIDENT: Yes, very well.

Now Dr. Laternser --

DR. LATERNSER (Counsel for the General Staff of the OKW): I have only a few more questions to ask.

(Eugene Alexandrovich Vlacha resumed the stand and testified further as follows:)

BY DR. LATERNSER:

Q. Witness, you said this forenoon that the four to five thousand Russian prisoners during their march to the camp were accommodated in a

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stable. Was this stable roofed?

A. It was a usual village barn and as a result of the fact that the farm had been evacuated by the inhabitants this barn had not been cleaned and was completely abandoned and if one can add, during the course of that day it rained and I will add that it was half covered with mud and it was, of course, impossible to lie down in the barn as the floor was covered by manure and most of the people remained outside.

Q. In this case was there any possibility of accommodating these prisoners better?

A. It is very difficult for me to answer that question for I am not at all acquainted with the locality where I was taken prisoner and on the other hand, we were brought to this village late at night and I do not know whether there were more convenient places where we could be quartered.

Q. That is to say, on this evening on which you reached this village, you yourself did not see any possibility for better accommodations?

A. It is not because I did not see better quarters but it was dark and therefore, I could not observe the village, although it was a rather large village and there was certainly a certain number of houses where four, five thousand people might have been easily quartered for a more convenient night.

Q. I have one last question. You said that in the prisoner camp you were not employed in your capacity as a physician. Have you even known that the Germans placed medical materials at the disposal of prisoners in camps so that they could be treated?

A. At first being evacuated from one camp to another we did not receive any medical equipment from the Germans but later on, when I was in a stationery camp, Camp 35, medical equipment was issued but in quite inadequate quantities to fully cover the needs of the wounded.

DR. LATERNSER: I have no further questions.

DR. BABEL (Counsel for SS): I have only one question.

BY DR. BABEL:

Q. Witness, you have stated that the stable was evacuated. What do you mean by that term?

A. I mean by that that the entire herd of cattle that were in the stabl

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were evacuated out of the zone of military operations.

Q. By whom was this done?

A. This was carried out by the inhabitants of the village, who had been evacuated to the east, together with the Soviet troops who had not been surrounded.

Q. That is to say, you were brought back to Russian territory?

A. From this village, yes.

DR. BABEL: Thank you.

THE PRESIDENT: Do any other defendants' counsel wish to ask questions?

BY THE PRESIDENT:

Q. Witness, were any SS unites used in guarding the prisoners of war while you were a prisoner of war?

A. In the camp of Rakov in the district of the Town of Voroshilovgrad where I was interned for the major time, the convoying of the labor commandos was carried out by units which were called SS.

Q. Was that a stationery camp?

A. Yes, Camp 105 was a stationery camp.

Q. But SS units were not used to guard you until you got to that stationery camp?

A. I cannot say anything definite on that subject as I did not know the distinctive insignia of the German Army.

THE PRESIDENT: Colonel Smirnov, do you want to ask anything in re-examination?

COLONEL SMIRNOV: I have no further questions to ask.

THE PRESIDENT: The witness can retire.

COLONEL SMIRNOV: May I continue?

I beg the Tribunal to accept as one of the proofs of the crimes of the Hitlerites in the prisoner of war camps, documents which I would like to submit to the Tribunal upon request of our British colleagues. The Soviet Prosecution does this all the more readily in that it considers this documentation of the British Prosecution of very great importance in ascertaining the criminal character of the treatment inflicted by the Germans on prisoners of war, contrary to the usual treatment afforded by all civilized nations of the world.

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I ask the Tribunal to add to the record as USSR Exhibit Number 413 documents of the British delegation, regarding the cruel murder of fifty prisoners of war, officers of the Royal Air Force, who were captured while trying to escape from the prisoner of war camp, Stalag III, Luft in Sagan during the night of the 24th to 25th of March, 1944. These documents are an official report of the Hitlerite crimes, certified by Brigadier General Chapcott, representative of the British Military Forces and the minutes in question, which were taken in Sagan upon the order of the Senior British Officer in Prisoner of War Camp III and submitted to the Protecting Power. We find also the statements of the following prisoners: Wing Commander Day, Flight Lieutenant Tonder, Flight Lieutenant Dowse, Flight Lieutenant van Wymeersch, Flight Lieutenant Green, Flight Lieutenant Marshall, Flight Lieutenant Nelson, Flight Lieutenant Churchill, Lieutenant Neely, F.S.M.Hicks

The evidence is corroborated by the testimony of the following Germans: General Major Westhoff, Higher Government Counsellor Wielen and Colonel von Lindeiner.

There is also a photostatic copy of the official list of those who perished, handed over by the German Ministry of Foreign Affairs to the Swiss Diplomatic Mission in Berlin and the report of the representative of the Protecting Power during his visit to Stalag Luft III on 5 June, 1944.

I will briefly summarize the circumstances of this vile crime of the Hitlerites by quoting from the report of Brigadier General Chapcott. The first excerpt is on page 163, second paragraph of the document book.

"On the night of the 24 or 25 of March, 1944, 76 Royal Air Force Office escaped from Stalag Luft III at Sagan, Silesia, where they had been confined as prisoners of war. Of these fifteen were recaptured and returned to the camp, three escaped altogether, eight were detained by the Gestapo after recapture. Of the fate of the remaining fifty officers the following information was given by the German authorities:--"

The German authorities stated that they were shot while attempting to escape. Actually this was a lie, as a very thorough investigation carried out by the British military authorities proved indubitably that the British

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officers were vilely murdered after having been recaptured by the German police.

It was ascertained that this crime was committed on the order of Goering and Keitel. I will furnish proof of this

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I quote a report submitted by the British Prosecution. This extract is on page 168 of the document book.

Dr. NELTE: The Tribunal will recall that the question of the hearing of the witness General Westhoff has already played a role heretofor. The Prosecution. I do not have the document here -- submitted a report regarding the interrogation of General Westhoff, that is to say, the High Court Refused to hear the reading of this report.

I do not know whether now the Prosecutor in speaking of the testimony of General Westhoff, whether this is the same document as was reviously refused by the Court or whether this is a new document which I do not as yet know of. I should therefore like to draw your attention to the fact that General Westhoff is in the prison here in Nurnberg; in other words, could be called as a witness on these questions.

THE PRESIDENT: Colonel Smirnov, you heard what Dr. Nelte said, As i understood it -- I am not sure I got the name right -- but he referred to General Westhoff's evidence, which had been tendered and which had been rejected because the Tribunal thought that if that evidence was to be given General Westhoff ought to be called.

Is it right that the document you are putting in has nothing to do with General Westhoff at all?

COLONEL SMIRNOV: Yes, Mr. President. It is mentioned in a part of the official British report.

THE PRESIDENT: But it isn't General Westhoff's report, is it?

COLONEL SMIRNOV: Mr. President, I am here submitting an official report on this crime. The text of the British report mentions Major General Westhoff, but it has nothing to do with the questioning of Major General Westhoff whose evidence will be given later.

MR.G.D. ROBERTS: My Lord, perhaps I might speak on this matter-because I am partly responsible for that report--with the kind indulgence of my learned friend, my Russian colleague.

My Lord, the document which is now about to be read is a British official government report under Article 21 of the Charter. The original is properly so certified. My Lord, it is quite true that General Westhoff's name is mentioned in the report, but it is quite a different document than the document which my

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French colleagues tendered and which the Tribunal rejected in evidence. It is an official government report.

THE PRESIDENT: Why do you say that it is an official government report so as to come within Article 21 of the Charter?

MR. ROBERTS: Because the original has been handed in and it has been certified by Brigadier General Chapcott of the Military Department of the Judge Advocate General's Office. I think you have the original.

THE PRESIDENT: Yes, I have the original.

MR. Roberts, to whom was this report made?

MR. ROBERTS: My Lord, it was made in connection with the collection of evidence for this Tribunal. As my Lordship sees, it is headed "German War Crimes. Report on the Responsibility for the Killing of 50 RAF Officers" and then it states the sources on which the material has been based. Your Lordship will see on the last page of the report the appendix; "Material upon which the foregoing Report is based:

"1. Proceedings of Court of Inquiry held at Sagan.....

"2. Statements of the following Allied witnesses.....

"3. Statements from the following Germans .....

"4. Photostat copy of the official list of dead transmitted by the German Foreign Office to the Swiss Legation in Berlin .....

"5. Report of the Representative of the Protecting Power on his visit to Stalag Luft III on 5 June 1944."

THE TRIBUNAL (Judge Biddle): Mr. Roberts, was this made for the Tribunal or for the War Crimes Commission?

MR. ROBERTS: It was made for this trial.

THE TRIBUNAL (Judge Biddle): Made for this trial?

MR. ROBERTS: For this trial.

THE TRIBUNAL (Judge Biddle): By a general in the army?

MR. ROBERTS: Yes, my Lord.

THE TRIBUNAL (Judge Biddle): And he reported to whom?

MR. ROBERTS: My Lord, it was then submitted to the British delegation for this trial.

THE TRIBUNAL (Judge Biddle): You mean the Prosecution?

MR. ROBERTS: Yes, my Lord.

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THE TRIBUNAL (Judge Biddle): The report is the report of a British general made to the British Prosecution:

MR. ROBERTS: My Lord, I wouldn't quite with reppect accept the phrase "report of a British general". I would say "a report of a Government department." It is signed and certified by a British general.

THE TRIBUNAL (Judge Biddle): Yes.

MR. ROBERTS: My Lord, I submit most respectfully that my Lords may read in Article 21: "The Tribunal shall take judicial notice of official governmental documents and reports of the United Nations."

My Lord, I submit that this is clearly an official governmental document, a report made by a department of the Army in London, a government department, for the purpose of this trial.

THE TRIBUNAL (Judge Biddle): Then any evidence that was collected and sent in by the Government will be official evidence.

MR. ROBERTS: I think that is so under Article 21, that is, as I read it and as I respectfully submit to your Lordship.

THE PRESIDENT: Do you wish to add anything, Dr. Nelte:

DR. NELTE: Yes, I should like to make a few further remarks.

In other words, a report was drawn up on the grounds of witnesses' testimony, and mentions the name of General Westhoff. I do not challenge the fact that this document has official character, and it is admissible as evidence under the terms of the Charter and consequently must be so admitted, but it seems to me that it is a question of something else here, namely a question of more adequate proof.

It a witness who is placed at the disposal of the Court can be eliminated or rejected because his testimony is to be found in an official report, then the process of proof would not meet the wishes of the Court, namely that the best method be used which can be discovered. The witness is at your disposal, but the report does not contain literally what he would testify before the Court, but simply conclusions drawn in the report which are subject to doubt, but which need not be doubted. It is simply a matter of the Defense Counsel being able, in their turn, to hear a witness, to interrogate him, if it is so easily possible as it is in this case.

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THE PRESIDENT: But, Dr. Nelte, supposing that one of the witnesses who had been examined by one of the committees set up by the Government had made a report not to the Government at all, but an affidavit or something of that sort, and that had been offered to the Court and the witness had been available, the Court might very possible have refused to entertain that affidavit or report. But if that report was the foundation for a government report or for a government official document, then, by Article 21, the Tribunal is directed to entertain such a report.

Therefore, the fact that the Tribunal has already said that they wouldn't have some private affidavit or report of General Westhoff unless General Westhoff were called, isn't relevant at all. It is a question of whether they ought to entertain a report which you admit comes within Article 21.

DR. NELTE: Mr. President, I do not doubt that your Lordship is correct. I should like only to bring up the question whether, when there are two different sources of evidence, namely, on the one hand the report, and on the other the possibility of calling the witness in person, it would not be preferable to take the testimony of the witness into consideration as well, not in order to correct the official report, but in order to clarify what the witness really said, because in the report we do not in actuality apprehend what he really said.

This question is, as you will understand, very important for the defendant Keitel, who allegedly issued an order, namely the order to shoot the flight officers. One should, I believe, if a witness is present who could clarify this question, call this witness instead of relying on an official report which already contains an evaluation.

THE PRESIDENT: Dr. Nelte, in the first place this report doesn't proceed only or even substantially upon the evidence of General Westhoff, but a number of other origins of the report, and the second thing is that the whole object of Article 21 was to make government reports admissible and not to necessitate the calling of the witnesses upon whose evidence they proceeded.

DR. NELTE: Other witnesses are mentioned in the report, but those witnesses said nothing, as far as I know, about the question of whether Keitel actually issued an order for these executions. The only witness of all those mentioned who says anything on this matter is General Westhoff.

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THE PRESIDENT: Had you wished to say anything further in argument upon the admissiblity of the document?

DR. NELTE: No.

COLONEL SMIRNOV: I believe, Mr. President, that the part of the document which concerns Major General Westhoff includes only one point, and that is Point 7 of the document. The document speaks of other phases of commission of this crime. Besides, this is an official report which is presented according to Article 21 of the Charter.

THE PRESIDENT: Do you wish to say anything further, Dr. Nelte?

DR. NELTE: No, thank you. I simply asked the Court to decide. It is possible that I shall have to call General Westhoff as a witness to testify that this report is false in the conclusions that it draws, and that what it says does not correspond to previous testimony.

DR. KUBUSCHOK (Counsel for the Reich Cabinet): I should like to make a few legal remarks regarding Article 21 of the Charter.

In every criminal trial in every country we have the primary principle of direct evidence. Only when it is impossible to make use of direct evidence is part of the trial, in a way, transferred outside the courtroom. In most criminal trials in the various countries, we have a provision similar to that in Article 21 that previous decisions of the court do not have to be reiterated at further trials, but that these decisions are binding.

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In this trial, the Charter extends the provision to cases such as this, which because of their extent cannot be further discussed. Consequently, it is clear from Article 21 that provision has been made that official reports, government reports, are valid as evidence. Every lawyer knows that this provision is a legal blemish, in a way, because through it certain rights are lost to the defendants. On the other hand, one cannot take the line of argument that there are complicated situations which, because of their length cannot be discussed in a temporally limited trial.

Article 21 of the Charter consequently gives the Tribunal the possibility of accepting such reports as evidence, but this provision is no binding obligation on the Court so far as I can see in the German text that I have before me. The provision provides that the Court is to take such reports in evidence, but it is not said that the Court must do so. It is left to the discretion of the Tribunal whether the nature of the report makes it advisable to accept such a report in evidence.

We have here a pretty obvious case which, in my opinion, allows it clearly to be seen that the Tribunal should make use of its discretion and should reject this document, and the Defense have taken the point of view that this piece of evidence could be settled by a witness. The hearing of the witness would provide the Defense Counsel with the right of cross examination. Since, for practical reasons, the witness will not be called, the transference of his evidence into a government report subsequently deprives him of the right of cross examination, in contradiction to the article of the Charter which permits the Defense the right of cross examination.

DR STAHMER (Counsel for the defendant G oering): It was not until today that the accusation was made that Goering knew of and ordered the execution of these fliers. I took no regard of this fact in the preparation of my case because I didn't even know of it, and I should like to request, therefore, the right to call further witnesses in the discussion of this question.

COLONEL SMIRNOV: May I add a word, Mr President?

THE PRESIDENT: On the question of admissibility?

COLONEL SMIRNOV: Yes, Mr. President.

THE PRESIDENT: Yes.

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COLONEL SMIRNOV: I consider that it is difficult to understand from a legal point of view the objections of the Defense Counsel for they introduce a qualitative distinction into this argument, considering that there are large crimes and small crimes, and Article 21 of the Charter concerns large crimes and therefore cannot apply to small crimes. I consider that from a legal point of view this argumentation is rather disputable and Article 21 can apply to any crime of the Hitlerites without respect to whether the scale is large or small.

That is all I wish to say.

THE PRESIDENT: The Tribunal will adjourn

(A recess was taken.)

THE PRESIDENT: Mr Roberts, the Tribunal would like to know where these appendices which are referred to in paragraph 9 of the report are.

MR. ROBERTS: I think they are with the Tribunal now, in charge of the Clerk of the court.

THE PRESIDENT: Have they all been included? You can undertake, I suppose, to produce them all if they are not all of them there?

MR ROBERTS: Most certainly. I understood that all the material is not necessary, but I understood the whole of the material to be there, all in the original, of course.

THE PRESIDENT: Then, the Tribunal decides that the document will be admitted, and the Tribunal will summon, if he is available--and we think he is--General Westhoff, and that will be, in effect, granting the defendants' application to call General Westhoff, and also to call the officer mentioned in paragraph 3(b) of the appendix, whose surname I believe to be Wieland. I don't know whether you know where he is.

MR. ROBERTS: I will make inquiries and I will undertake to the Tribunal that we will do everything in our power to get the witnesses that are required for the defense, namely, General Westhoff, who is in Nurnberg, I understand--

THE PRESIDENT: Yes.

MR .ROBERTS:--and General Wieland. I am not certain where he is, but I will find out.

THE PRESIDENT: Very well.

DR KRAUS: Mr President, you have made a remark during the session with

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which the defendants' counsel are very much concerned. As we understood it, it has been said that private affidavits would not be accepted by the Tribunal. This question of affidavits, since we have to present our proof, is very urgent. That is why I want to clarify that question.

THE PRESIDENT: I don't think I said that affidavits could not be admitted. What I said was, it might be that affidavits would not be admitted if the witness was available to give direct evidence. That is the rule which we we have enforced throughout the trial.

DR KRAUS: Yes, sir. If I understand it correctly, in principle we may submit affidavits, whoter certified by notary public or by a lawyer or whether they only bear the signature of the person who makes the statement a simple letter which has been written with the statement "I declare under oath". The second type is where the signature has been certified by a lawyer; and the third type is the one on which a certificate has been made by a notary public.

We have many documents of that kind, and in the interest of rapid trial we are preparing to present them and we hope we will be permitte to present these documents, in order to avoid the calling of witnesses.

THE PRESIDENT: I think that in all probability the matter will be considered when you present the applications for giving evidence by affidavit. We have today in dealing with the first four defendants allowed, in a variety of instances, that interrogatories should be administered to various witnesses where it appeared appropriate that that should be done, in order to save time. No doubt the same rule will apply when you come to submit your applications.

DR. KRAUS: Yes, sir. Thank you.

THE PRESIDENT: Colonel Smirnov, would it be more convenient for you to go on with your presentation now on this document which we ahave admitted, or do you wish to present a film?

COLONEL SMIRNOV: Mr President, I would like to finish the presentation of this proof and to read this document.

THE PRESIDENT: Very, well, but the Tribunal, I think desire that these two witnesses, Colonel Westhoff and Wieland, whatever his rank may be, should be produced for examination as soon as possible afterwards. I don't mean this afternoon, because that wouldn't be possible, but, if possible, tomorrow.

COLONEL SMIRNOV: If you will allow me, I will beg the representative

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of the British delegation to answer this question.

THE PRESIDENT: Mr. Roberts, Colonel Smirnov was saying he would ask you to answer, because I was saying the Tribunal would like to have the witnesses called as soon as possible after the report was read.

MR. ROBERTS: Westhoff we know about. If your Lordship will give me a few minutes I will try to find out where Wieland can be located.

THE PRESIDENT: Yes.

MR ROBERTS: But I shall have to leave the court, then, My Lord.

THE PRESIDENT: Just a minute.

Colonel Smirnov, wouldn't it be equally convenient to go on with the film now in order that the report, when it is presented, can be presented as close as possible to the evidence of the witnesses? Otherwise, suppose Mr.Roberts is unable to locate Wieland this afternoon. It might be that if you read the report now there might be a week possibly or even more between the reading of the report and the evidence of the witness. Is it possible to go on with the film now?

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COLONEL SMIRNOV: All right, Mr. President.

We cannot call this a film in the full sense of this word. It is far more serious a photograph, which was taken by the Germans themselves and which has been recorded on a reel. It is therefore not a film but a photographic document. This reel is submitted to the Tribunal as U.S.S.R. Exhibit YU 105.

We will only show parts of these photographs, for the Jugoslav Government presented photographs on all the counts of the Indictment. We have excluded those which concerned other counts and included only those which concerned crimes against humanity. Therefore only a part of the document will be presented to the Tribunal. May I show these photographs?

(The photographic document referred to was shown on the screen).

COLONEL SMIRNOV: May I continue, Mr. President?

THE PRESIDENT: Yes.

COLONEL SMIRNOV: In order to allow the Prosecution to ascertain the whereabouts of the two witnesses, I will pass on to the next part of my statement. Do you allow me to do so, Mr. President?

THE PRESIDENT: Yes.

COLONEL SMIRNOV: I pass on to the persecution of the Jews. The extreme anti-Semitism of the Hitlerite criminals, which acquired the logical aspects, is well known. I will not quote the so-called works of the principal war criminals, -- of Hitler, or Goering or Streicher -- which proved this fact. In the countries of Eastern Europe, all the anti-Semitism of the Hitlerites was put into effect in one way -- physical extermination of innocent people.

The American Prosecution has already submitted to the Tribunal one ofthe reports of a special organization of German Fascism, the so-called Operational Group A, which was submitted as USA Exhibit L-180. Our American colleagues submitted the report which covered the period to 15 October 1941. The Soviet Prosecution submits a report which is a continuation of the first, from 16 October 1941 to 31 January 1942. I submit to the Tribunal a photostatic copy of this report, as USSR Exhibit 57, and I beg the Tribunal to allow me to read a few short excerpts from the third chapter of this report, which is entitled, "Jews". I wish to call the

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attention of the Tribunal to the fact that the data included in this report refer only to one organization; that is to say, to the Einsatzgruppen, or Operational Group A. I quote from page 170 of the document book:

"The systematic task of cleansing the East according to fundamental orders to liquidate to the full the Jews. This objective has been realized in its main points. If we include Byelorussia, 239,052 Jews have been executed. The Jews remaining in the Baltic provinces are being mobilized for work and being sent to the Ghettos."

I interrupt the quotation and quote two further excerpts which are entitled "Esthonia."

"The execution of Jews, as far as the latter were not necessary for work, were gradually carried out by units of the Shutzpolizei and the SD. At the present moment, there are no longer any Jews in Esthonia."

I quote another short excerpt fromthe chapter entitled "Latvia." I quote one line on page 2 of the Russian text, page 171 of the document book:

"When the German troops entered Latvia, there were still 70,000 Jews there."

I break off the quotation and read one line on page 3 of the Russian text, page 172 of the document book:

"By October 1941 the special kommandos have executed exactly 30,000 Jews."

I again break off and continue with the following sentence:

"Frequently further executions were carried out. Thus, for instance, on the 9th of November 1941 in Bielsk, 11,034 Jews were executed. At the beginning of December 1941, as a result of an operation which was carried out in Riga following the order of the former chief of the SS and police, 27,800 persons were executed, and in the middle of December 1941 in Liban, 2,453 Jews were executed. At thepresent moment, in the Ghetto, besides the Jews from Germany, there are exactly: in Riga, 2500 persons; in Doinsk, 950, and in Libau, 300 persons."

THE PRESIDENT: Can you tell me where these figures come from? Are they an official report, or are they German figures.

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COLONEL SMIRNOV: These are the data which were published by the Germans themselves. This document was found in the archives of the Gestapo by the troops of the Red Army.

I beg the Tribunal to notice that this document covers the short period between 16 October 1941 and 31 January 1942. This is therefore not conclusive data, but only data concerning this period.

May I continue?

THE PRESIDENT: Yes.

COLONEL SMIRNOV: I quote only one line fromthe chapter entitled "Lithuania", which is on page 173 of the document book, third paragraph:

"As the result of numerous single operations, altogether 136,421 persons were liquidated."

I beg the Tribunal to allow me to quote a larger extract from the next chapter entitled "Belorussia." I quote the last sentence of the last paragraph on page 5 of the Russian text, page 154 of the document book.

"The problem to continue a complete liquidation of Jews in the territory of Belorussia after the arrival of the Germans met with certain difficulties. The fact is that here the Jews constituted a very high percentage of specialists who in this territory, as theresult of absence of other reserves, are quite indispensable. For such operation Group A has taken over this territory only after the operations had set in, and this fact fact seriously helped the carrying out of the mass executions. Further difficulties are that the Jews were dispersed over the entire territory, particularly in consideration of the fact that there were large distances of bad roads, the absence of transportation, the lack of gas, as well as the small force of police engaged in the operation of carrying on of those executions, and it can only be fulfilled by a maximum of effort."

Nevertheless, all 41,000 Jews have been shot. This number does not include those that had been shot by previous commanders. I again interrupt the court and read from page 175 of the document book. Notwithstanding the difficult situation, "The commander of police in Belorussia had been ordered to solve the Jewish problem as soon as possible; nevertheless this will demand about two months, and will depend on the weather conditions and the distribution of Jews remaining in the existing depots and ghettos of

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Belorussia drawing to its end."

In order to show how the mass executions by the Germans of the Jews were carried out, I submit to the Tribunal as USSR No. 119-A a certified photostatic copy of a German document. This is the conclusive

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report of the Commander of one of the companies of the 12th Police Regiment, which carried out mass actions in view of the extermination of the Jews in the town of Pinsk. On the 29th of October, 1942, at the scene of the 12th Police Regiment, there were exterminated 26,200 Jews. This is how the Commander of the regiment, Saur, described this crime. I will not quote the document in full--it is rather long--but will only quote a few excerpts.

"The surrounding of the districts was fixed for 4.30., and it appeared from the search taken beforehand that this surrounding was carried out in a very, very brief period. The checking of those in that operation in the ghetto began at six, but owing to darkness it was postponed for half an hour. The Jews who noticed the proceedings began to assemble voluntarily in all the streets. With the aid of two officers they succeeded during the very first hour to assemble several thousand Jews at a given point. When the other Jews noticed what was happening they joined this column so that the checking up operations, which had been foreseen by the checking by the SS could not be carried out, as a result of the great number of persons that were assembled. That was the first day of the checking operations only for the one or two thousand persons that had been planned. The first checking operation at 5.00 p.m. was carried out without incident. About 10 thousand persons were executed on this first day. That night the company was standing by in a state of readiness in a soldiers' club, and on 30 October, 1942, the ghetto was combed out a second time. On 31 October it was combed out for the third time, and on 1 November for the fourth time. Altogether about 15,000 Jews were assembled. Sick Jews and children left in houses were executed on the spot in the ghetto or in the yards. About 1200 Jews were executed in the ghetto."

I interrupt this quotation by begging the Tribunal to allow me to pass into the conclusion of this report, which is on page 178 of the document book. I quote two points in this "conclusion."

Point 3. Even when there are no cellars and a large number of

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persons are huddled together in a small place under a floor, these places should be broken into from the outside, and dogs sent there so they can be driven out of there (in Pinsk this was accomplished remarkably well by the police dog Asta) or the throwing of hand grenades, after which in every case the Jews immediately came out.

Point 5. We recommend the calling up of children in order to disclose these hiding places by promising them their lives. This method may prove itself."

This example is very typical in the extermination of Jews in the ghettos, but the German Fascists did not apply this method alone in the extermination of peaceful citizens. One of the other methods was the assembly of Jews in a given spot under the pretense of reporting them to other localities, then the Jews which had been assembled were shot.

I submit to the Tribunal an original notice which was posted up in a street in Kislovodsk, which was posted by the Commander of number 12 regiment. The text of the document is on page 180 of the document book. I quote two extracts from this document.

"To all Jews with a view as to meager-populated districts of Ukrainia, all Jews who live in Kislovodsk and all Jews who have no permanent abode are obliged to present themselves on Wednesday, 9 September, 1942, 5 o'clock Berlin time, or 6 o'clock Moscow time, at a baggage station in Kislovodsk; the transport will take off at 6 o'clock. Every Jew is to bring along luggage which will not weigh more than 20 kilograms, including food for two days. Further food will be supplied at the station by German troops."

I skip the next paragraph and I quote only one line. "Those Jews who are to be shipped are also to be transferred."

In order to ascertain what happened to the Jewish population in the town of Kislovodsk, and to the Jews in many other towns, I would like the Tribunal to refer to a document which already has been submitted to the Tribunal as number 1. It is a report of the Soviet Commission of the Stavropol region. The part which I wish to read is on page 185 of the document book. It states there that the Jews who

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had assembled at the Kislovodsk station were sent to the station of Mineral Waters, and were shot by anti-tank guns 2½ kilometers away from the town. Thousands of Jews, together with their families, which had been transferred from the town of Essentuki, were shot on the same spot. In order to check the extermination of Jewish population in Eastern Europe, I would like to refer to the report of the governments of these countries, which had been submitted to the Tribunal.

I would like to quote a statement from the government report, the official statistical year book of Poland for 1931, that there were 3,115,000 Jews there, and according to the report of an official, on 9 September, 1939, there were about 3,500,000 Jews in Poland. After the liberation of Poland approximately less than 100,000 Jews were still living, and 200,000 Jews are arriving from the USSR; thus about 3,000,000 Jews perished in that area.

In Czechoslovakia there were about 118,000 Jews. At the present moment only 6000 Jews are in the country.

THE PRESIDENT: Can we leave off here. May we adjourn now?

(The Tribunal adjourned until 27 February 1946 at 10.00 hours.)